



## **TOWN OF HARPSWELL PLANNING BOARD MINUTES**

**April 19, 2006**

Approved June 21, 2006

### **MEMBERS PRESENT**

John Papacosma, Chairman  
Joanne Rogers  
Henry Korsiak  
George Swallow  
Kenneth Cichon, Associate Member

### **MEMBERS ABSENT**

Dorothy Carrier, Vice Chairman

### **STAFF PRESENT**

Jay Chace, Planner  
Marsha Hinton, Recording Secretary

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The Town of Harpswell Planning Board meeting being duly advertised in the Times Record was called to order at 6:30 p.m. by Mr. Papacosma, Chair.

### **Minutes of March 15, 2006**

Ms. Rogers moved, seconded by Mr. Papacosma to accept the minutes as printed. Unanimous Approval

Mr. Papacosma appointed Mr. Cichon as a full voting member for this evening's meeting.

Mr. Papacosma reviewed the Planning Board site visits on April 18, 2006, for Bowdoin College and David Bishop, attended by Mr. Papacosma, Mr. Cichon, Ms. Rogers, Mr. Swallow, and Mr. Chace, Town Planner.

### **OLD BUSINESS**

**06-03-02** James Herrick (David & Lindsay Deinzer – Owners), Reconstruction of Non-Conforming Structure, Tax Map 18- 84 & 86, 1844 Harpswell Neck Road, Harpswell. (Continued from March 15, 2006 meeting.)

Ms. Debora Houdek, representing the applicant, presented a sketch plan, distributed additional materials, and described the proposal to combine the non-conforming properties. Ms. Houdek discussed removal of the two existing structures and the proposal to replace them with a house and garage/barn structure. Ms. Houdek also pointed out easements, septic location, and the reduction in non-conformity.

The Planning Board discussed the number of bedrooms, the septic system, location of the septic system, structure information, the proposed use of the garage/barn, Maine State Subsurface Wastewater Standards, enforcement, conformity with the ordinances, concerns with effluent seepage, the location of an abutter's well, setbacks, and deeded easements.

Mr. Papacosma opened the floor to members of the public who wish to comment on this agenda item.

Mr. Bill Chase asked if the easement for the septic was sufficient for expansion and if the owner of the property that granted the easement is aware of this proposal.

Mr. Chace, Town Planner, stated that the owner of the property that granted the easement has been contacted and expansion is all part of the legal process that the applicant must go through.

There being no further comments from members of the public present, Mr. Papacosma, Chair, closed the public portion of the meeting.

Mr. Papacosma, Chair, read portions of the Harpswell Basic Land Use Ordinance 10.3.2.2 Reconstruction or Replacement.

The Planning Board discussed setbacks, relocation, conformity, and size of the septic system.

Mr. Papacosma moved, seconded by Mr. Swallow to find that it is the Planning Board's conclusion that the dwellings may be sited on the existing property to be entirely conforming as to setbacks. Four in favor (Joanne Rogers, John Papacosma, George Swallow and Kenneth Cichon) One abstained (Henry Korsiak)

Mr. Swallow moved, seconded by Ms. Rogers to deny the application as presented. Four in favor (Joanne Rogers, John Papacosma, George Swallow and Kenneth Cichon) One abstained (Henry Korsiak)

Mr. Papacosma stated that any subsequent plan that meets Planning Board stipulations would be contingent upon an approved septic that accommodates five bedrooms.

Mr. Chace informed the applicant that they had 40 days in which to file an appeal of the Planning Board's decision.

**06-03-03** Douglas Steele (Steele, et al – Owners), Reconstruction of Non-Conforming Structure, Commercial Fishing 1, Tax Map 37-71, Long Point Road, Harpswell. (Continued from March 15, 2006 meeting.)

Mr. Nesbit described the proposal with regard to the replacement of the non-conforming structure, the deadline for approval, impact on vegetation, the use of the property, foundation, erosion, the holding tank, removal of trees, slope, and ways the applicant will maintain safe and healthful conditions.

Mr. Chace, Town Planner, presented additional materials and addressed allowed expansion, deck area, reduction in volume, the current floor plan, the holding tank, the approaching deadline for the applicants, the proposed floor plan, and explained that water would be hand carried into the structure.

The Planning Board discussed the foundation, the memorandum from the Codes Enforcement Office, the definition of "seasonal" use, relocation to make it more conforming, enforcement issues, use, the 30 percent restriction, the kitchen, bathroom fixtures, building envelope, and the holding tank.

Mr. Rick Hornbeck, representative of the applicant, pointed out the approaching deadline.

Ms. Joan Morin, expressed concerns about the lack of bathroom facilities, the nearness of this proposal to her property, past behavior of users of this property, enforcement of setbacks, traffic circulation, use of her driveway to access the property, parking, and questioned the stated use of the property.

There being no further discussion from members of the public present, Mr. Papacosma, Chair, closed the public portion of the meeting.

The Planning Board discussed placement and configuration of the structure so that it is more conforming and the 30 percent allowable increase. The Planning Board discussed the square footage of the proposed structure, aesthetic qualities of the structure, and Basic Land Use ordinance requirements of § 10.3.2. Mr. Swallow stated that the applicant can place a substantial portion of the square footage of the proposed structure into the building envelope to reduce non-conformity. Mr. Chace explained the formula for determining allowable expansion as applied to this proposal as follows: That 120 square feet of the proposed 192 square feet can be conforming, therefore, the remaining 72 feet of the proposed structure which will be non-conforming can be increased 30 percent to 93.6 square feet.

Mr. Swallow moved, seconded by Ms. Rogers to grant approval for the amendment to the site plan to require that the non-conforming area be no greater than 93.6 square feet and no less than 20 feet from the southerly property line. Unanimous Approval

Planning Board consideration of § 13.4.7 of the Basic Land Use Code

13.4.7.1 Will maintain safe and healthful conditions.

Ms. Rogers moved, seconded by Mr. Papacosma to find that the application meets the requirements of § 13.4.7.1 in that the applicant gave testimony that they will maintain safe and healthful conditions. Unanimous Approval

13.4.7.2 Will not result in water pollution, erosion, or sedimentation to surface waters.

Ms. Rogers moved, seconded by Mr. Papacosma to find that the application meets the requirements based on previous testimony. Unanimous Approval

13.4.7.3 Will adequately provide for the disposal of all wastewater.

Ms. Rogers moved, seconded by Mr. Korsiak to find that the application meets the requirements of §13.4.7.3, pending approval of the holding tank, by the installation of a holding tank that will adequately provide for the disposal of wastewater. Unanimous Approval

13.4.7.4 Will not have an adverse impact on spawning grounds, fish, aquatic life, bird, or other wildlife habitat.

Ms. Rogers moved, seconded by Mr. Cichon to find that the application meets the requirements of §13.4.7.4 because there has been no indication that there will be negative impact to spawning grounds, fish, aquatic life, bird, or other wildlife habitat. Unanimous Approval

13.4.7.5 Will conserve shore cover and points of access to inland and coastal waters.

Ms. Rogers moved, seconded by Mr. Korsiak to find that § 13.4.7.5 does not apply. Unanimous Approval

13.4.7.6 Will protect archaeological and historic resources as identified in the Town's Comprehensive Plan, or by the Maine Historic Preservation Commission or the National Park Service.

Ms. Rogers moved, seconded by Mr. Korsiak to find that Article 13.4.7.6 does not apply as there is no indication that the property is identified by the Town's Comprehensive Plan, or by the Maine Historic Preservation Commission or the National Park Service. Unanimous Approval

13.4.7.7 Will not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries I or II District

Ms. Rogers moved, seconded by Mr. Korsiak to find that Article 13.4.7.7 does not apply. Unanimous Approval

13.4.7.8 Will avoid problems associated with floodplains development and use.

Ms. Rogers moved, seconded by Mr. Korsiak to find that the application meets the requirements of § 13.4.7.8 as the proposed site is beyond the floodplain section. Unanimous Approval

13.4.7.9 Is in conformance with the provisions of § 15, Land Use Standards of the Shoreland Zoning Ordinance.

Ms. Rogers moved, seconded by Mr. Swallow to find that the application meets the requirements of § 13.4.7.9 and is thus in conformance as the plan has been amended. Unanimous Approval

## **NEW BUSINESS**

**06-04-01** Bowdoin College, Site Plan Review, Deepwater Access to Support Coastal Studies Center Program and Research, Shoreland Residential, Tax Map 36-2, Orr's Island.

Mr. Papacosma, Chair, reviewed the changes to the original application with regard to the walkway and location of the pump house.

Mr. Baker described the reduction to the length of the walkway, handicapped access, the width reduction to the pier, orientation of the gangway and floats, winter storage of floats, removal timeline for the old pipe system, minimal removal of trees, elevations, wharf hearing, Selectman's review, timeline for start of construction, dry hydrant, and lighting. Mr. Baker stated that they had received approval from the Army Corps of Engineers, Department of Environmental Protection and a submerged land lease for the previous plan.

Mr. Papacosma, Chair, opened the floor to member of the public who wished to comment on this agenda item.

None being seen, Mr. Papacosma, Chair, closed the public portion of the meeting.

Ms. Rogers moved, seconded by Mr. Swallow that the application meets the requirements of the Shoreland Zoning Ordinance § 15.3.1 Development on Appropriate Soils, § 15.3.2 Interference with Existing Beach Area, and § 15.3.3 Adverse Affect on Fisheries, as those sections had been previously approved at the July 11, 2005, meeting by the Planning Board and that the Planning Board finds that the application currently meets the requirements of those provisions. Unanimous Approval

Mr. Swallow moved, seconded by Ms. Rogers to find that application meets the standards of the Site Plan Review Ordinance based on the findings of the regularly scheduled July 20, 2005, Planning Board meeting. Unanimous Approval

Planning Board further consideration of Shoreland Zoning Ordinance § 15.3

15.3.4 No Larger than Necessary

Mr. Swallow moved, seconded by Mr. Korsiak that the project meets the conditions of § 15.3.4 since the wharf is at a maximum of six feet in width. Unanimous Approval

#### 15.3.5 New Structures

Mr. Cichon moved, seconded by Ms. Rogers that the application meets the requirements of § 15.3.5 in that in the resubmission the pump house has been moved from the wharf and is now on the land side of the pier.

Unanimous Approval

#### 15.3.6 Conversion of Structure to Residential Dwelling Unit

Mr. Chace, Town Planner, stated that this standard does not apply in anyway to this proposal.

#### 15.3.7 Structure not to Exceed 20 Feet in Height Above the Pier

Ms. Rogers moved, seconded by Mr. Swallow that the application meets the requirements of § 15.3.7 as the proposed height of the structure is less than the 20 foot limit. Unanimous Approval

The Planning Board discussed applicable portions of Section 13.4.7 of the Basic Land Use Code

Mr. Papacosma moved, seconded by Mr. Cichon to find that the application has met the requirements of the Basic Land Use Ordinance § 13.4.7 subsections one through nine. Unanimous Approval

Mr. Papacosma moved, seconded by Mr. Cichon to find that the applicant Bowdoin College has met the requirements of the Harpswell Shoreland Zoning Ordinance, Site Plan Review Ordinance, and the Basic Land Use Ordinance in its application for a deep water access to support coastal studies in Harpswell. Unanimous Approval

The Planning Board signed the approved site plan.

**06-04-02** David Bishop, Reconstruction of Non-Conforming Structure, Shoreland Residential, Tax Map 15-95, Harpswell.

Mr. Bishop stated that he was proposing to put a foundation under the house, extend the house six by ten feet on both the west and east ends, and change the roof line to bring it to the same elevations as the other roof lines.

Mr. Chace, Town Planner, pointed out that the subject lot was partially in the Shoreland Zone, described setbacks and non-conforming sections of the structure.

The Planning Board discussed setbacks, the building envelope, and location of septic system.

Mr. Papacosma, Chair, read sections of the Shoreland Zoning Ordinance §10.3.1.2.

Mr. Papacosma moved, seconded by Mr. Korsiak to find that the application meets the requirements of § 10.3.1.2 of the Shoreland Zoning Ordinance. Unanimous Approval

Planning Board consideration of § 13.4.7 of the Basic Land Use Code

13.4.7.1 Will maintain safe and healthful conditions.

Ms. Rogers moved, seconded by Mr. Korsiak to find the applicant meets the requirements of § 13.4.7.1 in that the proposal will not alter the usage of the parcel. Unanimous Approval

13.4.7.2 Will not result in water pollution, erosion, or sedimentation to surface waters.

Ms. Rogers moved, seconded by Mr. Korsiak to find the applicant meets the requirements of §13.4.7.2 as erosion control methods will be utilized during construction. Unanimous Approval

13.4.7.3 Will adequately provide for the disposal of all wastewater.

Ms. Rogers moved, seconded by Mr. Cichon to find the applicant meets the requirements of § 13.4.7.3 as the reconstruction will not alter the usage of the existing system, documentation has been submitted regarding the adequacy of the existing system, and that the Codes Enforcement Office has stated that a local plumbing inspector has inspected the existing system and found the system to be adequate. Unanimous Approval

13.4.7.4 Will not have an adverse impact on spawning grounds, fish, aquatic life, bird, or other wildlife habitat.

Ms. Rogers moved, seconded by Mr. Korsiak to find the applicant meets the requirements of § 13.4.7.4 as this proposal will not alter the usage of this parcel in regard to spawning grounds, fish, aquatic life, birds or other wildlife habitat. Unanimous Approval

13.4.7.5 Will conserve shore cover and points of access to inland and coastal waters.

Mr. Papacosma moved, seconded by Mr. Swallow to find the applicant meets the requirements of § 13.4.7.5 as this application will not alter the usage of this parcel. Unanimous Approval

13.4.7.6 Will protect archaeological and historic resources as identified in the Town's Comprehensive Plan, or by the Maine Historic Preservation Commission or the National Park Service.

Mr. Cichon moved, seconded by Ms. Rogers to find the applicant meets the requirements of § 13.4.7.6 in that the site is neither identified by the Comprehensive Plan nor National Park Service and that the proposal does not significantly alter the use of the site. Unanimous Approval

13.4.7.7 Will not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries I or II District

Mr. Papacosma moved, seconded by Mr. Cichon to find the applicant meets the requirements of § 13.4.7.7 as this parcel is in the Shoreland Residential district and not in either the Commercial Fisheries I or II district. Unanimous Approval

13.4.7.8 Will avoid problems associated with floodplains development and use.

Mr. Cichon moved, seconded by Ms. Rogers to find the applicant meets the requirements of § 13.4.7.8 in that the parcel is not located in the floodplain zone. Unanimous Approval

13.4.7.9 Is in conformance with the provisions of Section 15, Land Use Standards of the Shoreland Zoning Ordinance.

Ms. Rogers moved, seconded by Mr. Korsiak to find that under § 13.4.7.9 the applicant is in conformance with provisions of § 15 in the land use standards of the Shoreland Zoning Ordinance; that the application meets the dimensional requirements of § 15 of the Shoreland Zoning Ordinance where possible; and that those parts of the application that do not meet the requirements of § 15 the Planning Board has reviewed the necessary standards of § 10.3. Unanimous Approval

Mr. Papacosma moved, seconded by Mr. Swallow to find that the applicant David Bishop has met the relevant requirements of the Harpswell Shoreland Zoning and Basic Land Use Ordinance and therefore the application is approved. Unanimous Approval

## **OTHER BUSINESS**

Mr. Chace, Town Planner, explained that Great Island Boat Yard is requesting to add ten moorings. Mr. Chace directed the Planning Board's attention to the Codes Enforcement Officer's memorandum, Land Use Application, responses from the owner to § 15, and mooring field projections. Mr. Chace stated that he agreed with the Codes Enforcement Office that this was a minor site plan review and asked if the Planning Board felt that they should take jurisdiction over this application.

Mr. Rowe, owner, explained the proposal, stated they have over 200 parking spaces, and that they are members of the Clean Marina's Program.

The Planning Board discussed public comment with regard to extending mooring fields, parking spaces, access, roads, and the 40 day period in which to make a decision with regard to jurisdiction.

Mr. Chace, Town Planner, informed the Planning Board of a workshop on May 2, 2006, at 6:30 sponsored by the Planning Department and Harpswell Heritage Land Trust. Maine Audubon and Mid Coast Council for Business Development and Planning on Conserving Shoreland Habitats.

There being no other business before the Planning Board, Ms. Rogers moved, seconded by Mr. Korsiak to adjourn. Unanimous Approval

Meeting adjourned at 10:15 p.m.

Respectfully Submitted,

Marsha M. Hinton  
Planning Assistant